

AN OBSERVER'S GUIDE *To* WASHINGTON STATE ELECTIONS



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION

Introduction

We, in the state of Washington, enjoy a unique tradition of promoting citizen involvement in our political system. The role of observers is grounded in our heritage of encouraging citizens to participate in our political process. Their objective observation of the procedures helps ensure the integrity of our elections.

This pamphlet is intended to explain the process of issuing, processing, and counting ballots by Election Departments throughout the state. Information related to a specific county's procedures may be obtained from the County Auditor's office or Elections Department. This pamphlet is not intended to be a substitute for the statutes governing this process, but rather should be read in conjunction with them.

If you have any questions or need additional information, please contact your County Auditor or Elections Department, or the Secretary of State's Elections Division. We will be happy to assist you.

Sincerely,



SAM REED
Secretary of State

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Information including
phone numbers and office
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Secretary of State's website
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State laws regarding elections may be found in the Revised Code of Washington, Title 29A, and the Washington Administrative Code, Title 434. Both publications are posted on the Washington State Legislature website at www.leg.wa.gov/Laws and Agency Rules.

Election Information

Election Dates

You can find more detailed information about specific dates related to elections at the online elections calendar at www.secstate.wa.gov/elections.

Primary

The Primary is held on the third Tuesday of the September before the General Election or the seventh Tuesday before the General Election, whichever comes first. The purpose of the primary is to nominate candidates to move on to the General Election.

Washington State currently uses a pick-a-party primary system for partisan primaries. If a voter wants to vote on the partisan offices, he/she must select only one party's ballot and vote for that party's candidates. The voter also has the option of selecting a ballot containing only nonpartisan offices and candidates. There is no record of which party's ballot a voter has selected.

Presidential Preference Primary

In addition, a presidential preference primary may be held during a presidential election year on the fourth Tuesday in May or possibly an alternate date proposed by the Office of the Secretary of State. The voters have the opportunity to demonstrate to the political party chairs which candidate they would like to see their party endorse for the presidential election.

General Election

The General Election is held on the first Tuesday after the first Monday in November. The candidates that get the most votes in the General Election are elected to office.

Special Elections

State law allows for additional dates at which special elections may be held:

- The first Tuesday after the first Monday in February
- The second Tuesday in March
- The fourth Tuesday in April
- The third Tuesday in May

In addition, the Legislature may set additional special election dates by statute.

Candidate Filing

Filing Dates

Candidates may file for office during regular business hours with the filing officer beginning the fourth Monday in July and ending on the following Friday.

Candidates may file by mail starting on the tenth business day before the first day of the regular filing week.

Filing Fees

The filing fee is equal to one percent of the annual salary at the time of filing for any office which has a fixed annual salary of more than \$1,000.00 per year.

The filing fee is \$10.00 for any office which has a fixed annual salary of \$1,000.00 or less.

There is no filing fee for any office which is compensated on a per diem or per meeting basis.

The filing fee is \$1.00 for the office of Precinct Committee Officer.

A candidate who does not have sufficient assets at the time of filing may use a filing fee petition in lieu of the filing fee required. The petition must contain enough valid signatures to equal one for every dollar of the filing fee.

Where to File

If the office is for a single county Legislative, Court of Appeals, or superior court race, the filing may be made with either the County Auditor (in King County with the Records, Elections and Licensing Services Division) or the Office of the Secretary of State.

If the office is for a statewide position, or a Legislative, Court of Appeals or Superior Court judicial position covering multiple counties, the filing must be made with the Office of the Secretary of State.

All other offices are filed with the County Auditor or Elections Department.

Filing for office over the internet is possible if filing with the Office of the Secretary of State.



Political Party Observers

Anyone has the right to observe any part of the election process. Major political parties also have a responsibility to provide observers to monitor the election process. A political party is designated as a major party if one of its nominees received more than 5% of the total votes cast for President, United States Senator, or a statewide office in a general election in an even numbered year. Observers may watch all parts of the election including opening of absentee ballots, counting ballots, and the securing of ballots. County Auditors or Elections Departments contact the political parties to inform them of how many observers are needed.

Below are common questions about being a Political Party Observer. More specific information is found in other chapters of this manual.

What should I do if I am appointed to be a Political Party Observer?

You should contact your County Auditor or Elections Department. The County Auditor or Elections Department maintains a list of official observers and provides you with required training. The County Auditor or Elections Department will tell you when and where you need to be an observer for each procedure.

Where can I get trained to be a Political Party Observer?

The County Auditor or Elections Department provides training that you are required to attend. The Office of the Secretary of State may also conduct training, but it is not required.

Are Political Party Observers used in just the Primary and General Election?

No. All elections need to have observers before, during, and after Election Day.

What should I observe?

You are encouraged to observe:

- Printing of ballots
- Ballot assembly
- Logic and accuracy tests prior to Election Day, including the testing of any precinct ballot counters
- Signature comparison, opening and inspection of mail ballots
- Election Night procedures
- Ballot duplication
- Counting of ballots
- Storing and securing the ballots
- Processing of provisional ballots
- Canvassing board meetings
- Reconciliation of ballots and ballot totals
- Certification of the election
- Any other times when ballots are handled by the County Auditor's office or Elections Department

Every county may be different in what happens after the polls close. It will vary depending on whether a county is voting by mail, if the ballots are counted at a poll site, or if ballots are counted at a counting center.

How close can I be to the ballots?

You cannot touch or interfere with processing the ballots. You can be as close as space allows without interfering with the process.

Vote-By-Mail Counties

Counties conducting their elections by mail will also have ballot drop off locations. These ballots, known as “drop off ballots” may be collected from the drop off locations several times on Election Day. The drop off ballots and ballots that come in the mail may be processed on Election Day. While the ballots may be opened and prepared for counting before Election Day, they cannot be put into the ballot counter until 7:00 a.m. on Election Day. The results can only be printed after 8:00 p.m.

Political Party Observers should watch the delivery, opening, processing, counting, and storing of the ballots.

One race can be counted by hand in up to three precincts to check against the printed results. All election observers must agree to the precincts and the race.

Counties that Count Ballots at the Poll Site

When the polls close, the ballot counters at the poll site print out the results for each precinct. The results are also contained on removable media, such as a disc or cartridge. The results may or may not be sent over the telephone lines to the counting center. The printed results, removable media, and other supplies are delivered to the counting center. If the results were not sent over the telephone, the results will be loaded onto a computer using the removable media. Absentee ballots may also be processed throughout the day.

One race can be counted by hand in up to three precincts to check against the printed results. All election observers must agree to the precincts and race, and notify the County Auditor or Elections Department within 30 minutes of the polls closing.

Observers are encouraged to watch the delivery of the printed results and the removable media to the counting center, the loading of the results onto the computer, and the processing, counting, storing and securing of absentee ballots and poll site election results.

Counties that Count Ballots at a Counting Center

When the polls close, the precinct election officers bring the ballots, poll books, and supplies into the counting center. The ballots are checked in, inspected, duplicated, and then counted. Absentee ballots may also be processed throughout the day.

Political Party Observers are encouraged to observe the delivery, opening, inspection, processing, duplication, counting, storing, and securing of the poll site and absentee ballots.

One race can be counted by hand in up to three precincts to check against the printed results. All election observers present must agree to the precincts and race. The decision to hand count these ballots may be done at the counting center on Election Day.

What about after Election Day?

There are many activities to observe after Election Day. Political Party Observers are encouraged to watch the processing, counting, and reconciliation of absentee and provisional ballots, canvassing board meetings, certification of the election, and any other activities involving ballots.

The General Election is certified twenty-one days after Election Day. The Primary and all other elections are certified ten days after Election Day.

What about recounts?

If races need to be recounted, Political Party Observers are needed to watch the entire process.

What if I have questions or complaints?

Talk with your County Auditor (in King County with the Records, Elections and Licensing Services Division) or the person assigned to answer your questions.



Absentee and Mail Ballots

Mailing of the Ballots

Absentee ballots must be available at the County Auditor's office or Elections Department at least twenty days before an election. Ballots must be mailed to voters at least eighteen days before an election.

Securing the Ballots

Beginning with the receipt of the ballots, all absentee and mail ballots are kept in secure storage when not being directly processed. Secure storage is under the direct control of the County Auditor (in King County with the Records, Elections and Licensing Services Division) and employs the use of numbered seals and seal logs in order to be able to detect any inappropriate access to the secured materials.

Ballot Processing

The Outer Envelope

Auditors may begin processing and opening voted absentee and mail ballots as soon as they are received. The county canvassing board or its designee, usually a staff member of the County Auditor's office or Elections Department, checks the voter's signature and postmark of the returned ballot. The envelope must be postmarked the day of the election or earlier. Ballots may also be deposited in the County Auditor's office or Elections Department, a polling location, or a designated deposit site not later than 8:00 p.m. on Election Day. For out-of-state, overseas, and service voters the date of signature on the oath on the outer envelope is considered the date of mailing.

If the signature on the absentee or mail ballot envelope matches the signature on the voter's registration and has a good postmark, the ballot moves on to the next step. If the signature on the envelope is missing or does not match the one on file, the voter is notified either through phone contact or by mail.

The Security Envelope

After the signatures are verified, the outer envelopes are ready to be

opened. Removing the security envelope from the outer envelope and removing the ballot from the security envelope are two separate processes. This prevents an opener from knowing which ballot belongs to a voter. In counties where the tabulation of votes is done by hand, the separation of the ballots from the security envelopes does not begin until after 8:00 p.m. on Election Day. Employees are required to verify that the envelopes are empty by looking at the holes punched through the outer and security envelopes.

Inspecting Ballots

Absentee and mail ballots must be inspected prior to counting. The inspection process consists of a thorough examination of each ballot and each response position. Election workers look for physically damaged ballots, unreadable ballots which might not be correctly counted by the machine, marks or punches that are different from those specified in the voting instructions, stray marks, tears or creases in the ballot, and write-in votes. Any ballots that meet this or similar criteria are either duplicated or referred to the county canvassing board.

Ballot Duplication

Ballots may be duplicated when the intent of the voter's marks on a ballot is clear. Ballots are only duplicated by teams comprised of two employees from the County Auditor's office or Elections Department. A unique control number is assigned to each duplicated ballot. This number is recorded on both the original and duplicate ballots. A log is kept of the following information: the unique control number, the initials of the two people who conducted the duplication, and the total number of ballots duplicated. The original ballots and the duplicate ballots are also kept in secure storage at all times.

Absentee and mail ballots may be processed through a ballot counter after 7:00 a.m. on Election Day, but the results are not produced until after 8:00 p.m. on Election Day.

After Election Day, counties process and canvass ballots every three days when in possession of more than 25 ballots, and every single day if the population of a county exceeds 75,000 people. Sundays and legal holidays are not counted for this purpose.

The Polling Place

Polling places open at 7:00 a.m. and close at precisely 8:00 p.m. Any voters already in the polling place at 8:00 p.m. may vote. Closing procedures are open to the public and observers.

The poll workers consist of inspectors, judges and clerks. For each precinct in the polling place, there is one inspector and one judge from the political party that received the most votes in that county for President during the last presidential election. A second judge should be from the party that received the next highest number of votes. The Auditor may assign a clerk if he or she believes it is necessary. The County Auditor or Elections Department appoints the poll workers from a list from the major political parties, if they have provided one. If the political parties do not provide complete lists of poll workers, the County Auditor or Elections Department may appoint others to fill the positions.

The poll workers sign an oath prior to undertaking their duties.

The poll workers are in charge of the polling place and they have knowledge of what can and cannot take place in the polling place. The following acts are not allowed:

- Campaigning
- Collecting petition signatures
- Impeding the voting process

The poll workers are responsible for issuing the correct ballots to voters, replacing spoiled ballots, issuing provisional ballots and making sure that the provisional ballots are not deposited in the ballot box. Provisional ballots are ballots given to voters who cannot vote a regular ballot, for example, voters whose names are not in the poll book, have requested an absentee ballot, or do not have identification.

State law requires any person voting at the polls to provide identification to the poll worker before signing the poll book. If a voter does not have identification, the voter must vote a provisional ballot.

POLLING PLACE

An observer may look at the poll book or at the inspector's copy as long as voters are not waiting to vote and it does not interrupt the voting process.

After the polling place closes, the poll workers must account for voted ballots. In counties where the ballots are counted centrally, the poll workers must unseal and open the ballot box to count the ballots. The signatures are also counted in the poll book. The poll workers then compare the number of ballots in the ballot box with the number of signatures in the poll book. In counties where ballots are counted at the polling place, the poll workers print out a tape with the number of ballots cast and compare that with the number of signatures in the poll book. This information is then written on a ballot accountability form.

The poll workers seal the ballots in a ballot box and transport the box to the counting center. Two poll workers, one from each political party, should be with the ballots at all times.



The Counting Center and Post-Election Activities

Ballots Counted at the Counting Center

Ballots are delivered from the poll site to the counting center by two people: one representative from the Democratic Party and one representative from the Republican Party. They are received by a board consisting of two election workers who keep a log of the time each precinct's ballots are received. They compare the seal number on the ballot box with the seal number recorded on the transport log on the ballot box to ensure that the ballots have not been tampered with.

After the ballots are checked in, they are inspected by election workers. In counties using an optical scan counting system, the inspectors are looking for any ballot that may not be read correctly by the vote counting system. This includes stray or incomplete marks, damage to the ballot, and whether the correct marking ink was used. Any ballots that have votes that the counting system cannot read as the voter intended must be duplicated.

All the ballots that can be read correctly by the counting system are tabulated. After they've been tabulated, they are put in secure storage. The ballots cannot be accessed again unless there is a problem that needs to be resolved before the election is certified, the ballots are to be recounted, or the County Auditor or Elections Department is ordered to reopen the container by a court order.

In counties where all the voting is by mail, or when the county is processing absentee ballots, the county may begin tabulating ballots at 7:00 a.m. They follow the same procedures: tabulating ballots and placing them in secure storage. The county must wait until 8:00 p.m. to print out the unofficial results.

In counties with poll sites, as soon as possible after Election Day, election staff compare the number of ballots tabulated in each precinct

to the number of signatures in the poll book. These two numbers should match. If they do not, they must investigate and resolve the discrepancy if at all possible. They must document all of their efforts and the results of the investigation and present that documentation to the County Canvassing Board.

They must also give credit to all voters who cast a vote, and compare that number with the number of ballots tabulated to ensure that the number is the same. If the number is not the same, election staff must investigate and resolve the discrepancy. Staff must document all efforts to resolve the discrepancy and present that documentation to the County Canvassing Board.

After Election Day, the election staff continues to process mail ballots by checking signatures and postmarks, opening envelopes, and inspecting and tabulating ballots. Any ballots with unmatched signatures, with missing signatures, or where the voter's intent is not clear are presented to the County Canvassing Board.

During this time, the election workers also investigate provisional ballots. They determine if the voter is registered or not. If the voter is registered, they determine which races and issues the voter is eligible to vote on. If the voter is not registered, they make sure the voter's registration was not cancelled by mistake. If the voter was properly cancelled the canvassing board does not count that ballot. Only the County Canvassing Board has the authority to reject ballots which they may do by groups of ballots.

Ballots Counted at the Poll Site

In counties using a vote tabulation system that counts votes at the poll site, the poll workers print two copies of the results from each tabulation machine. One is returned with the microchip to the elections department and one is posted at the poll site. The poll workers compare the results with the number of people who signed the poll book. The results are then transmitted to the county elections department either by telephone modem or by the poll workers delivering the microchip from the tabulation system to the counting center. If the latter is the case, the chip does not need to be accompanied by two people.

Election Certification

Counties must certify the General Election twenty-one days after Election Day and all other elections ten days after Election Day.

An election is certified during a public meeting of the County Canvassing Board. At that time, the chair of the county commission or county council administers an oath to the County Auditor (in King County to the Records, Elections and Licensing Services Division Director) attesting to the accuracy of the results. The County Auditor (in King County the Records, Elections and Licensing Services Division Director) presents a final copy of the results, the oath, and the reconciliation report to the board.

At the time of certification, the County Auditor or Elections Department must present a reconciliation of the ballots along with the final results. The reconciliations must demonstrate that the number of ballots received equals the number of ballots counted plus the number rejected. If the numbers do not match, then documentation shall include the detailed steps taken to balance the numbers. The following information must be included in the reconciliation:

- Number of registered voters;
- Ballots counted;
- Provisional ballots issued;
- Provisional ballots counted;
- Provisional ballots rejected;
- Absentee ballots issued;
- Absentee ballots received;
- Absentee ballots counted;
- Absentee ballots rejected;
- Federal write-ins counted;
- UOCAVA ballots issued;
- UOCAVA ballots counted; and
- UOCAVA ballots rejected.

CERTIFICATION

If the County Canvassing Board is satisfied with the results, the board signs the certification. A copy of the certification must be electronically transmitted immediately after certification to the Office of the Secretary of State for Primary and General Elections. A hard copy of the certification must be mailed to the Office of the Secretary of State no later than the next business day.

If there are discrepancies with the results and/or the reconciliation report, the County Canvassing Board may recanvass the ballots. The recanvass must be completed on or before the last day to certify the election.



Recounts

A recount may be conducted to verify the number of votes counted for a particular office or measure. It may be either mandatory or requested.

Observers are allowed to observe all parts of the recount.

When a county is recounting only part of the county, they may need to sort the ballots for the districts being recounted. This may take place prior to the day set to begin the actual recount. Contact your County Auditor or Elections Department to observe this process.

Mandatory Recounts

A mandatory recount is required when the difference in the results is within the following margins:

- For statewide offices and measures, when the difference is less than 2000 votes and less than one half of one percent, then the race will be recounted using vote tallying systems. When the difference is less than 1000 votes and less than one fourth of one percent, the race will be recounted by hand.
- For all other offices, when the difference is less than 2000 votes and less than one half of one percent, then the race will be recounted using vote tallying systems. When the difference is less than 150 votes and less than one fourth of one percent, the race will be counted by hand.
- Local ballot measures do not qualify for mandatory recounts. They may be recounted, however, upon request.

If the office is statewide or is a judicial, congressional, or legislative district that crosses county lines, the Secretary of State determines when the recount is to be certified. Otherwise, the County Canvassing Board determines when the recount is to be held.

Before, during, and after the recount, security of the ballots should be maintained. The ballots should be stored in sealed containers whenever ballots are not being processed. The ballots should be secured each night any time a recount takes more than one day to complete.

Machine Recounts

A recount by vote tallying system requires running the ballots through the ballot counter a second time. In the case of the Hart System, the ballot images as canvassed are reloaded into the ballot tabulation software. In the case of Direct Recording Electronic voting devices, the results must be re-loaded into the vote tallying system.

Once all the results have been recalculated, the County Canvassing Board certifies the results and amends the official abstract of the election with the new totals. If the Secretary of State called for the recount, a copy of the amended results is sent to the Office of the Secretary of State.

Manual Recounts

During a manual recount, the results are counted by teams of at least two people, who count the votes by hand. There are many ways to conduct a manual recount. One typical method is as follows:

- A precinct's ballots are delivered to a recount team of two people made up of one Republican and one Democrat.
- One member of the team sorts the ballots according to ballots with votes for each candidate, ballots with no votes on the race, and ballots with more than one vote on the race.
- Any ballots that do not clearly indicate the voter's intent are referred to the County Canvassing Board for determination.
- The first member of the team counts each stack of ballots.
- The second member of the team repeats the steps taken by the first member.
- The two members must agree to the totals for each stack. Once they agree on the totals, the numbers are added to the results for the recount. If they cannot agree, the ballots may be given to a different counting board to verify the number of votes.
- The County Canvassing Board determines which votes should be counted from those referred by the recount teams. Any valid votes found on these ballots are also added to the results.

- When all the ballots have been tallied by the individual recount teams, the results from each team are added together with the valid votes from the canvassing board. This is the new total for the race.

Once the new total has been verified, the county canvassing board certifies the new totals and amends the abstract of votes.

Requested Recounts

A recount may be requested by an officer of a political party, a candidate of the office, or a group of five or more registered voters.

The request for a recount must be done in writing and filed with the appropriate filing officer within three business days after the certification of an election. The request must state whether the recount will be performed by hand or by the vote tally system and whether all precincts or selected precincts are to be recounted.

A deposit is required at the time of the request of fifteen cents per ballot to be recounted by vote tally system or twenty-five cents per ballot for a hand recount. Each County Canvassing Board determines the actual cost of the recount. If the actual cost is higher, the requester must pay the difference. If the cost is lower, the difference is refunded to the requester. If the recount changes who wins the election, the entire deposit is refunded.

A requested recount is conducted in the same manner as a mandatory recount.

Tied Elections

Whenever there is a tie between candidates, a mandatory recount will be conducted. If the race is still tied after the recount, the winner is decided by lot by the appropriate filing officer. By lot may be a flipping of a coin, drawing a number, etc.

Glossary

Ballot Duplication. The process of making an exact copy of a ballot to make sure it will be counted correctly by the ballot counting system.

Ballot Counter. A machine that tabulates votes in a readable format. Also known as a vote tallying system.

Ballot Inspection. Each ballot must be inspected for mistakes or damage that would prevent the votes to be counted correctly.

Canvassing Board. The Board is made up of the County Auditor (in King County with the Records, Elections and Licensing Services Division, Director), County Prosecuting Attorney, and the chairman of the County Commissioners or County Council.

Counting Center. The location in a county where ballots are processed and counted. In the case of counties that have ballot counters at the poll site, it is where the results from the poll site are combined into one set of election results.

Direct Recording Equipment (DRE). A touch screen or other device which allows disabled voters to vote without assistance. They are required by the federal Help America Vote Act.

Election Observer. Official observer appointed by one of the major political parties. May not be an election worker hired to process ballots. An Election Observer is not a Poll Watcher.

Poll Watcher. An individual associated with a political party, candidate, or organization to observe and record the activities at a poll site.

Precinct Election Officers. The people who run elections at each poll site.

Provisional ballots. A ballot issued when the voter's name is not on the voter list, was sent an absentee or mail ballot, did not have identification at the poll site, or any other reason when a voter can not vote a regular ballot.

Secure Storage. Locations provided for the storage of all material connected with the mail ballot process and are under the direct control of the County Auditor (in King County with the Records, Elections and Licensing Services Division). Secure storage employs the use of numbered seals and logs or any other security measures which will detect inappropriate access to secured materials.

Tabulate. To total votes in a readable format.

UOCAVA. Acronym for the Federal Uniformed and Overseas Citizens Absentee Voting Act.